

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 1, 1977  
10:00 A.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Goodman, Himmelblau, Mullen, Trevino

Absent: None

The Invocation was delivered by Deputy City Manager Homer Reed.

APPROVAL OF MINUTES

Councilmember Cooke moved that the Council approve the Minutes for Special Meetings of July 25 and 27, 1977, and August 1, and 2, 1977, and the Regular Meeting of August 25, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Councilmember Cooke moved that the Council approve the Minutes for Special Meeting of August 3, 1977. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor McClellan, Mayor  
Pro Tem Snell, Councilmember Cooke

Noes: None

Abstain: Councilmember Himmelblau

Not in Council Chamber when roll was called: Councilmember Trevino

## EXECUTIVE SESSION

The Mayor announced the Council had been meeting in Executive Session and appointments to Boards and Commissions will be announced at 2:00 p.m. She pointed out that item E.9. on the agenda, concerning West Rim Subdivision should be postponed until after the Council's joint meeting with the Planning Commission on September 9, 1977.

Mayor Pro Tem Snell moved that the Council postpone consideration of authorization of construction of a 12-inch water main and 12-inch wastewater main to serve the West Rim Subdivision, until September 15, 1977. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

## CLEANING OF VACANT LOTS

MR. ART BROWN, President of Austin Neighborhood's Council, appeared before Council to discuss cleaning of vacant lots located in the 6400 block of Greensboro and 6400 block of Bridgewater. He said he lives at 6405 Hartwick Place and expressed his concern about some vacant lots on the 6400 block of Bridgewater and the 6400-6500 block of Greensboro. According to him, in the past 2-1/2 years they have had difficulty getting the grass on the lots cut in the summer. He described the length of the grass and general condition of the lots and asked the City Council to look into the ordinance concerning vacant lots. Mr. Brown pointed out that last year they were cut in July but this year they have not been cut.

Mr. Homer Reed, Deputy City Manager, asked Ms. Sue Prothro to respond to Mr. Brown's query. She showed slides which pictured the lots in question and pointed out the property is owned by University Home Sites, Inc. The first section, she stated, is 12 lots located on the west side of the 6400 block of Bridgewater. The owner was required to cut back 150 feet from the street and this has been done in compliance, although Mr. Brown has some concern about the trimming, she said. The lots on Greensboro have been partially cut, she continued, and a five-day notice has been sent to the owner asking him to finish the work. The owner did not respond so the mowing was referred to a contractor who did the work August 19. Six lots on Greensboro, she indicated, are going to be under construction, but the owner has agreed to cut the property within the next ten days. After she completed her report, Mr. Reed suggested the Council ask for a follow-up report. He informed the Council that since the property was owned by a private party, the City cannot mow it without going through the proper legal proceedings. Mr. Brown told Mr. Reed that he would get back to him with a report concerning the cutting when it is done. He said the lots in their present state are a health hazard with much rubbish dumped on them.

## RELEASE OF EASEMENTS

Mayor Pro Tem Snell moved that the Council adopt a resolution to release the following Easement:

125.00 square feet out of the 10.00 foot Drainage Easement crossing the South 10.00 feet of Lot 7, Block D, Northcape, Section 1. (Requested by LaDale Brimmage, owner of the property)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Snell moved that the Council adopt a resolution to release the following Easements:

The Public Utilities Easements, 10.00 feet in width and being centered on the common lot line between Lots 2 and 5, Allen Place, a subdivision in the City of Austin. (Requested by Mr. Billy F. Priest, Registered Public Surveyor, representing Mr. Albert Olson, owner of Lots 2 and 5)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Mayor Pro Tem Snell moved that the Council adopt a resolution to release the following Easements:

A Public Utilities Easement across the west 7.50 feet of Lot 60, Block A, Great Hills Three. (Requested by Mr. Clifford J. Rainford, President of R.T.R. Associates, Inc., Builder)

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell,  
Councilmembers Cooke, Goodman, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

## ZONING HEARINGS

Mayor McClellan announced the Council would hear zoning cases scheduled for 2:30 p.m., at this time, because notices went out saying the hearings would be held at 10:00 a.m. City Attorney Jerry Harris stated that due to the discrepancy the Council could hear the cases now and then close the public hearing at 2:30 p.m. and take the vote. (For continuity in the minutes, the morning discussion and afternoon closing of the public hearing and voting, are written as an entity.)

JOHN JOSEPH  
By Tom Curtis  
C14-77-088

9904-10114 North  
I.H. 35

From Interim "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Applicant present. Mr. Lillie, Director of the Planning Department, presented a report by use of slides. MR. TOM CURTIS, attorney representing the applicant, said they should have applied for "C" Commercial rather than "GR" General Retail because an area for storage will be needed. Mayor Pro Tem Snell asked if the case should be sent back and considered with "C" zoning. Mr. Lillie answered it would mean beginning the zoning process all over; that it would be appropriate to grant "GR" General Retail zoning and then they could request "C" Commercial later. Councilmember Goodman was concerned about the buffering, and wanted 10 feet of "A" Residence on the west property line.

Later in the afternoon, Councilmember Cooke moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, with a condition that 10 feet of "A" Residence for buffering on the west property line. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

H. E. BUTT  
GROCERY  
By Tom Curtis  
C14-77-089

Southeast corner of  
I.H. 35 (south) and  
North Bluff Drive

From "GR" General Retail  
1st Height and Area  
To "GR" General Retail  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

Applicant present. Mr. Lillie reviewed the application by use of slides. He said the reason for the request in zoning change was because of the need for a 60 foot sign. Mr. Tom Curtis, representing the applicant, pointed out the unwritten policy to have high structures 100 feet from an arterial highway to prevent a tunneling effect. He said the sign would not create a tunneling effect. Mr. Curtis explained the reason H.E.B. needed the high sign for this store is because of the contour of the land. The store planned at this site is an area store and not a neighborhood store, therefore the sign needed to be seen from I.H. 35.

Later in the afternoon, Councilmember Himmelblau moved that the Council grant "GR" General Retail, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau  
Noes: None  
Absent: Councilmember Goodman

The Mayor announced that the change had been granted to "GR" General Retail, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

#### ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 26, BLOCK 13, NORTH LOOP TERRACE ADDITION, LOCALLY KNOWN AS 1404 NORTH LOOP BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Mrs. Nova E. Kellam, C14-74-036)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 2.454 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3859 DRY CREEK DRIVE, ALSO BOUNDED BY FM 2222 (BULL CREEK ROAD), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Adon Sitra, C14-77-070)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Councilmember Trevino

The Mayor announced

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 4 AND 5, DUVAL ROAD LOTS SUBDIVISION, LOCALLY KNOWN AS 5334-5338 THUNDER CREEK ROAD, FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Buford L. McMahan, C14-77-057)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 1, WILLIAM S. DRAKE, JR. SUBDIVISION, LOCALLY KNOWN AS 4309-4313 SOUTH CONGRESS AVENUE AND ALSO BOUNDED BY INDUSTRIAL BOULEVARD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (American National Bank, Trustee, C14-70-001)

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, as an emergency measure, effective immediately. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino  
Noes: None

The Mayor announced that the ordinance had been finally passed and was effective immediately.

#### REVISION OF HCD APPLICATION - 1977

Mayor McClellan stated they had received notification that the Clawson Road project was not eligible for funding in the 3rd Year HCD Application, and it is suggested the amount which would have been spent on it be put in a contingency fund. Councilmember Trevino said he wanted to further amend the memorandum sent by staff to put the money set aside for housing into the contingency fund. At present, he stated, the City has \$1.8 million dollars for housing rehabilitation and there is a possibility that we won't be able to spend that much money. Also, he said, the contingency recommended this time is way below the amount recommended by HUD, so he suggested they also withdraw that \$120,000 and put it into contingency. Council then will have the flexibility to use that money for whatever they think best. Councilmember Himmelblau thought the idea was excellent.

Councilmember Trevino moved that the Council adopt a resolution to adopt the revised 1977 (3rd Year) HCD Application with an amendment to put \$50,000 from the Clawson Road Project and \$120,000 from Housing Rehabilitation and Urban Renewal into a contingency fund. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Goodman, Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None

## AMENDING 1976 (2nd Year) HCD BUDGET

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 760927-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1976-77, AND ORDINANCE NO. 760909-K, CAPITAL IMPROVEMENT PROGRAM BUDGET FOR 1976-1977, BY APPROPRIATING AND TRANSFERRING SECOND YEAR HOUSING AND COMMUNITY DEVELOPMENT FUNDS FROM THE 1976-1977 CAPITAL IMPROVEMENTS PROGRAM BUDGET TO THE 1976-1977 OPERATING BUDGET, BY AUTHORIZING INCREASES IN THE ALLOCATIONS FOR THE FAMILY OUT-PATIENT CLINIC, THE FAMILY PLANNING CLINIC, AND THE DENTAL CLINIC WITH SECOND YEAR HOUSING AND COMMUNITY DEVELOPMENT FUNDS; SUSPENDING THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mullen,  
Trevino, Mayor McClellan, Mayor Pro Tem Snell  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## U.T. SHUTTLE FARES, ROUTES &amp; ONE-WAY STREETS

Councilmember Goodman moved that the Council adopt a resolution to establish fares for the University of Texas Football Shuttle (\$1.00/adults; \$.50/child under twelve), and to establish temporary special transit routes and modification of certain regular routes on days University of Texas has home football games. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

Mayor McClellan introduced the following ordinance:

AN ORDINANCE DESIGNATING THE DIRECTIONS IN WHICH TRAFFIC SHALL MOVE IN THE VICINITY OF MEMORIAL STADIUM ON SAN JACINTO BOULEVARD, RED RIVER STREET AND MANOR ROAD, IN ACCORDANCE WITH SECTION 21-39 OF THE AUSTIN CITY CODE OF 1967; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution to approve the following contract:

CROUSE HINDS COMPANY 6350 LBJ Freeway, Suite 181 Dallas, Texas	- Traffic Controller, Urban Transportation Department. Item 1 - \$58,350.00
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution to approve the following contract:

SIGNAL ENGINEERING COMPANY 2032 Dunlavy Houston, Texas	- Traffic Conflict Monitors, Urban Transportation Department. Items 1-3 - \$10,230.00
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Goodman moved that the Council adopt a resolution to approve the following contract:

HAYS CITY CORPORATION d/b/a Tex-Con Oil Company 4906 Burleson Road Austin, Texas	- Anti-Freeze, Vehicle and Equipment Services Department. Twelve (12) Month Supply Agreement Item 1; 2820 Gallons @ \$2.44/gal. Total - \$6,880.80
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The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmembers Cooke, Goodman  
Noes: None

## PUBLIC HEARING ON 1977-78 ANNUAL OPERATING BUDGET

Mayor McClellan opened the public hearing scheduled for 11:00 a.m. by stating that there were conflicts over budget hearing scheduled for the September 8, 1977, evening meeting.

Motion

Councilmember Trevino moved that the Council set a public hearing on the 1977-78 annual operating budget on September 12, 1977 at 6:00 p.m., and a work session for 3:00 p.m. September 12, 1977. The motion was seconded by Councilmember Himmelblau, and carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro  
Tem Snell, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

MR. WOODROW SLEDGE told the Council that the currently proposed City budget was predicated upon inflationary municipal revenues. He felt that this was thievery against the senior citizens on fixed incomes. Mr. Sledge asked that senior citizens be given an additional \$3,000 exemption.

Mayor McClellan stated that the hearing was the first public hearing on the allocation of Revenue Sharing Funds for the coming year.

MR. MARK PERLMUTTER, Chairperson of the Zoning Board of Adjustment, spoke before the Council. Mr. Perlmutter asked the Council for an appropriation to the Building Inspection Department of \$300 to pay for the cost of signs to be posted on property where variances were being requested. He felt that notices of zoning variances should be extended to people living more than the currently required 200 feet from the subject property. Councilmember Himmelblau asked Mr. Perlmutter if he had contacted the Building Inspection Department about including the cost in the departmental operating budget. Mr. Perlmutter stated that the Building Inspection Department was of the opinion that the additional notification would cost the City \$9,500 per year and that the Board felt that the \$300 for the cost of signs would be adequate. Mr. Lonnie Davis, Director of the Building Inspection Department, stated he felt that the cost would run much higher because City personnel would have to be utilized to implement the notifications. He indicated that this particular project cost was not reflected in his department's operating budget. Mayor McClellan asked Mr. Homer Reed, Deputy City Manager, to return to the Council with additional information on the most economical means of implementing the proposal.

MS. MARILYN SIMPSON appeared before the Council and stated the following: "Before I read my statement, I would like to say that the reason I am giving the statement today is because I am really afraid that if I do not and it is explained in my speech, that I will not be able to give it. My name is Marilyn Simpson. I am speaking today as the Treasurer of the Austin Neighborhoods Council. Recently Councilmembers Betty Himmelblau and Lee Cooke publicly stated that they were sponsoring a move to rescind the zoning ~~ev~~erification ordinance, commonly known as the Truth in Selling Ordinance." Mayor McClellan inquired if Ms. Simpson was going to bring her conversation down to talk about the fact that this was not in the budget. She stated, "There was a question up here whether this was in order, and I assume you are speaking to the fact that this is not funded." Ms. Simpson replied, "This is not funded in the Budget, and besides that there is an agenda item which calls for rescinding it, and if you rescind it or if as I understand there is no hearing set up." Councilmember Goodman stated that he thought it was entirely appropriate since it was not in the City Manager's recommended budget.

Ms. Simpson continued her statement as follows: "Recently Councilmembers Betty Himmelblau and Lee Cooke publicly stated that they were supporting sponsoring a move to rescind the zoning verification ordinance, commonly known as the Truth in Selling Ordinance. The statements made by these Councilmembers cannot be allowed to go unanswered and the Truth in Selling Ordinance cannot be allowed to die without a fight. I have now learned that these same Councilmembers plan to repeal the ordinance without a hearing. This may be legal, but it is certainly not morally right. The people of Austin deserve to have the opportunity to tell their Council their feelings.."

Councilmember Himmelblau stated this was out of order until the Agenda item. After checking with the City Attorney, the Mayor said she was advised that unless the Council wanted to vote to not hear the item at that time, they would hear it now or they would hear it later. She stated that she was also advised that if the Council wanted to look at the item, Mrs. Simpson was entitled to relate it in any manner she choosed.

Ms. Simpson continued: "But now let us look at the brief history of this so-called movement to repeal this ordinance. On March 13 and 14 of this year, right in the middle of the City Council election campaign, an advertisement appeared in both the Austin American-Statesman and the Austin Citizen. It was paid for by the Property Owners Protective Association or POPA. POPA is registered with the Secretary of State's office as a political action committee with their return address care of the Austin Board of Realtors. The ad is a solicitation for members as well as a protest against the Truth in Selling Ordinance. In fact this is the only specific political request made by POPA in these ads, or during the election. POPA then screened candidates and made their election endorsement. Of the 6 candidates endorsed, three won their respective places. They are Place 1, Lee Cooke; Place 2, Betty Himmelblau; and Place 3, Ron Mullen. The next we heard of the request to repeal the ordinance came with the City Manager's budget transmittal letter, which noted that no funds were allocated for enforcing the Truth in Selling Ordinance. The analysis of the budget actually calls for the ordinance's repeal."

"To my knowledge, this is the first time that the City budget has ever been used to legislate away a City ordinance. In any case this is not the proper function of a City budget, and it is a dangerous precedent to set. We are now told by Councilmembers Himmelblau and Cooke that they are requesting the repeal of the Truth in Selling Ordinance. Coincidence? We think not. The Truth in Selling Ordinance cost the City a paltry \$12,830 a year. In the 7 months since the ordinance went into effect, there have been 1,956 zoning verification forms issued. The protection received by these homeowners and others to be protected during the rest of this year is well worth the small cost to the City."

"No, the argument that it costs too much or it doesn't effect enough people just doesn't track with these statistics. This argument, by the way, is always used when a program is being opposed. Homeowners and prospective homeowners all over the City should ask themselves why the Austin Board of Realtors calls for the repeal of the Truth in Selling Ordinance during the City Council election campaign, and why is now two of their hand-picked candidates have also called for its repeal."

"In the last City Council election well over \$80,000 was spent by the real estate and land development industry to influence policies in the City. It seems to me as if they are now reaping the benefits of this investment. I challenge any reputable realtor to come forward and explain why he or she is opposed to notifying homeowners of the zoning within 300 feet of purchased homes. Citizens of the Round Rock West subdivision located within the City of Round Rock, which does not have a zoning verification ordinance recently found out the hard way what happens when home buyers are not told about the zoning around them. According to a news media article, they will now have to try to live with a heavy equipment storage yard behind their homes. The City of Austin also has many, many commercially zoned undeveloped pieces of land within 300 feet of residential areas."

"No, individuals who plan to buy homes must be informed of pertinent zoning. The Austin Neighborhoods Council is made up of neighborhood associations from all over the City of Austin. Our motive for fighting to keep this ordinance should be crystal clear. The same can be said for the Austin Board of Realtors' motives for wanting to repeal the ordinance. If they are required to tell prospective homeowners that undesirable zoning is located near the property to be sold, they may not make the sale. A home is usually the largest investment the average family makes. To leave this investment unprotected for the reasons given is nothing less than irresponsible."

"The Truth in Selling Ordinance is one of the most innovative and economical pieces of consumer protection legislation which has come from the City of Austin. Opposition to it comes from the very industry it was set up to regulate. Is there any wonder that this group opposes this regulation. The question here is whether or not money spent by special interest groups have purchased vote on the City Council. The vote on the repeal of this ordinance will tell the whole tale. We will not let this ordinance die without a fight."

Councilmember Himmelblau stated that she believed the remarks made by Ms. Simpson about votes was a slanderous remark and wanted it read into the Minutes.

Councilmember Cooke made the following comment: "I would like to briefly comment also that with regard to the Truth in Selling Ordinance and my comment in regard to yours, I have been contacted by no one on the Board of Realtors. I have been contacted by no one from POPA, that my action was generated by the fact that in the initial information on this ordinance as far as its use, and I would hope that this Council as well as Councils that succeed this Council will always scrutinize laws and ordinances that have been passed by the City Council to insure that the ordinance is effective and that the ordinance is being utilized. And to date, since this ordinance has been passed, there have been no complaints registered with the Building Inspection Department, and no violation has been noted, and it just seems to me that we have an ordinance on the book that is not necessarily being utilized, and I think the information is available to the citizens if they want it, and that has generated my response, not some of the inclinations that you made in your presentation."

DR. CHARLES ALLISON, representing the Rosedale Neighborhood Association and the Allandale Neighborhood Association, spoke before the Council. Dr. Allison expressed his organizations' endorsement for Hancock Fire Station #12. He pointed out that other fire units did not have the necessary response times to adequately protect their neighborhoods.

MRS. HANK LYSEK presented the Council with a petition of 382 signatures supporting that the Hancock Golf Course remain open. She stated that the golf course was convenient to neighborhood residents and that the erection of anything else on the site would devalue their own property. Councilmember Goodman told Mrs. Lysek that the City was in the process of seeking options by which the golf course could remain open but maintained at a lower level of funding.

MR. TOM JOHNSON told the Council that former Austin Mayor Tom Miller had assured him personally that the Hancock Golf Course would remain open.

MR. BEN ALAMAN presented the Council with a 300-name petition urging the Council to keep the Rosewood-Zaragosa Public Library open. He stated that even though the library did not appear to be checking out many books, many persons still used the library for research purposes.

MR. KERMIT VOEGEL, Chairman of the Safety Committee of the Allandale Neighborhood Association, spoke before the Council. Mr. Voegel presented the Council with a 4,106-name petition supporting that Hancock Fire Station #12 remain open. He pointed out that there were many medical facilities and businesses located in the target area. Mr. Voegel requested that the Hancock Fire Station remain open.

MR. ART BROWN, President of the Northeast Austin Community Task Force Ad Hoc Committee, spoke before the Council. Mayor McClellan felt that it would be more appropriate if Mr. Brown's presentation regarding Community Schools was deferred until after September 12, 1977, when non-budgetary matters would be taken up. Mr. Brown did indicate that he would be making a statement at the September 8, 1977, public hearing in regards to the Hancock Fire Station #12.

MR. BOB GARRETT expressed his support for the Public Library located at the Rosewood-Zaragosa Center.

MS. MARGRET HOFMANN, former City Councilmember, requested that the Council not delete the funding for the City Dog Ordinance. She indicated that the original ordinance had been drafted after much work by the City staff. Ms. Hofmann suggested that the funding for the ordinance be increased so as to better enforce the law.

DR. ED WHITE, Chairman of the City Dental Health Advisory Committee, spoke before the Council. Dr. White told the Council that they wanted a Dental Hygienist to work in the indigent care clinic. He stated that the Hygienist would be involved in preventive dental medicine. Dr. White indicated that, currently, the present dental staff could not cope with both treating patients and rendering preventive dental assistance.

MS. BARBARA DIVINE, member of the Austin Library Commission, spoke before the Council. Ms. Divine spoke in support of the public library located at the Rosewood-Zaragosa Center. She stated that directive signs were also needed at the library. Councilmember Himmelblau asked Ms. Divine what she thought about the Health-Science Library located at Brackenridge Hospital. Ms. Divine stated that the Brackenridge facility served only a small, select group of people whereas the Rosewood-Zaragosa facility served a broader number of persons.

MS. JACKIE DAVIS, member of the Austin Library Commission, also expressed her support for the library facility at the Rosewood-Zaragosa Center. Ms. Davis also opposed the City Manager's recommendation that several City libraries be closed during the morning hours. She felt that the proposed cut in the library book budget was bad because the cost of book publication has risen in the last three years. Ms. Davis recommended reinstating some of the budget items that had been cut by the City Manager.

MS. RAE PEARL BLAYBON, representing the Gray Panthers and the North Austin Chapter of the American Association of Retired Persons, spoke before the Council. In regards to the City property tax, Ms. Blaybon asked the Council to increase the homestead exemption to \$10,000.

MR. ALLEN BUSSLER presented City Clerk Grace Monroe with a speech relative to the City employees pay raise. He also spoke in support of the Austin Library system.

MR. DON FREEMAN, President of the North Austin Civic Association, requested that the Council restore enough funds for the Rundberg Lane area Library to install bookshelves and a desk in the Library.

MR. LYLE HAMNER expressed his concern that older citizens should be given exemptions on the taxes they pay.

MR. TOM JOHNSON told the Council that senior citizens wanted a \$10,000 homestead exemption to pay for the volunteer services that are rendered by senior citizens free of charge.

DR. CHARLES ALLISON indicated that the current City Dog Ordinance was a sham and was not enforced correctly. He also pointed out that the Ordinance did not have the support of the Veterinary community. He felt that the Ordinance should not be funded for another year.

MS. BARBARA CILLEY stated that she felt there was a need for the Dog Ordinance. She felt that the Ordinance should continue to be funded.

MR. SAM WHITTEN, member of the Library Commission, stated that the presently proposed City budget did not even cover the increase in inflation since last year much less meet the demand for increased City services. He felt that if City services did not grow in accordance with the growth of the City, then the quality of life in Austin would decline.

The Council then recessed at 1:00 p.m. until 2:30 p.m.

#### AFTERNOON SESSION

Mayor McClellan called the afternoon session to order, noting that Councilmember Goodman was absent.

## EXECUTIVE SESSION

Mayor McClellan stated that the Council had met earlier in Executive Session to discuss appointments to Boards and Commissions. Appointments to the following Boards and Commissions would be made September 15, 1977:

Manpower Advisory Planning Council - 14  
 Mental Health Advisory Committee - 3  
 Community Development Commission - 6  
 Plumbing Advisory Board - 3

It had been announced previously that the preceding appointments would be made on September 1, 1977. Applications have to be received by 4:45 p.m., September 8, 1977, to be considered.

Councilmember Himmelblau specified and Mayor McClellan agreed that all appointments be limited to 2-year terms, with the exception of the Building Code Board of Appeals which was a 5-year term and Explosive Appeals Board, a one-year term.

Mayor McClellan stated that on October 6, 1977, the following appointments would be made: (Final date for submitting applications is September 29, 1977)

Construction Advisory Committee - 3  
 Human Relations Commission - 9  
 Joint Legislative Council - 2  
 Parks and Recreation Board - 1  
 Arts Commission - 2

The Council then made the following appointments:

Arts Commission

Councilmember Himmelblau moved that the Council reappoint Edward Jungbluth (Choral Music), Al Golden (Drama), Sandy Youman (Laguna Gloria) and Bronson Dorsey (Visual Arts) to 2-year terms (expiring August 14, 1979), and appoint Paul Lache (Museums) to a 2-year term (expiring August 14, 1979). The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell,  
 Councilmembers Cooke, Himmelblau, Mullen,

Noes: None

Absent: Councilmember Goodman

Urban Transportation Commission

Mayor Pro Tem Snell moved that the Council appoint Stacy Suits to fill an unexpired term until December 31, 1978. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
 Cooke, Himmelblau, Mullen, Trevino

Noes: None

Absent: Councilmember Goodman

Solicitation Board

Councilmember Trevino moved that the Council reappoint Francis Amsler to a 2-year term (expiring June 29, 1979) and appointed Bobbie Collins and Georgene Wilson to 2-year terms (expiring June 29, 1979). The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau,  
Mullen, Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Goodman

Vending Commission

Mayor Pro Tem Snell moved that the Council reappoint Carol Packwood and Rebecca Munro to 2-year terms (expiring May 13, 1979), and appoint Larry Locke to a 2-year term (expiring May 13, 1979) and appoint Jinny Smith to an unexpired term (expiring May 13, 1978). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Goodman

Navigation Board

Councilmember Mullen moved that the Council appoint Hugh Higgins to a 2-year term (expiring January 15, 1979). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

Heating, Air Conditioning and Refrigeration Board

Councilmember Himmelblau moved that the Council appoint James Hiles to an unexpired term (expiring July 15, 1978). The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

Ethics Review Commission

Mayor Pro Tem Snell moved that the Council reappoint Addie Crayton Phillips to a 2-year term (expiring July 1, 1979). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau  
Noes: None  
Absent: Councilmember Goodman

#### Electrical Board

Councilmember Trevino moved that the Council reappoint Joe Morales (Property Owner) and Max Ladusch (Journeyman Electrician) to 2-year terms (expiring August 5, 1979) and appoint Walter Timberlake (Active Master Electrician) to a 2-year term (expiring August 5, 1979). The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau  
Noes: Councilmember Mullen  
Absent: Councilmember Goodman

#### Building Code Board of Appeals

Councilmember Himmelblau moved that the Council appoint Joseph C. Lavy to a 5-year term (expiring June 11, 1982). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau, Mullen, Trevino  
Noes: None  
Absent: Councilmember Goodman

#### Explosive Appeals Board

Mayor Pro Tem Snell moved that the Council appoint Darwin Briggs to fill an unexpired term (expiring February 1, 1978). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Goodman

#### Plumbing Advisory Board

Councilmember Trevino moved that the Council appoint the following to the Plumbing Advisory Board for 2-year terms (expiring August 1, 1979): Alan Johnson (Utility Man); Frank Gerling (Mechanical Engineer); James C. Middleton (Master Plumber); Richard Andrewartha (Licensed Journeyman Plumber); Donald Huebner (Property Owner). The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Goodman

Board of Adjustment

Mayor Pro Tem Snell moved that the Council appoint David Brooks to the Board of Adjustment for an unexpired term (expiring February 5, 1978). The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

## STREET VACATION

Mayor McClellan opened the public hearing scheduled for 2:00 p.m. on vacating the following street and passage of Ordinance:

A portion of BRITTANY BOULEVARD, a street sixty (60.00) feet in width containing 3,216 square feet of land, area to be vacated being at a cul-de-sac 195 feet west of Kings Highway. (Requested by Mr. Clinton P. Rippey, Registered Public Surveyor)

Mr. John German, Director of Public Works, told Council the purpose of this request is to re-align a cul-de-sac on Brittany Boulevard, which is located off Kings Highway in the vicinity of Crockett High School. He said the 60-foot radius is being reduced to 50 feet so commercial property adjacent to it will not have access to the cul-de-sac. In realigning it and straightening it, there is a net vacation to the property owner of 3,216 square feet of land. Value of which is \$3,769.00. In reviewing this, continued Mr. German, the City discovered it would need right-of-way for the widening of Manchaca Road on the same piece of property. The City needs 1,764 square feet, valued at \$5,292.00. The owner, he said, agreed to trade even with the City and the City is ahead about \$1,500. Therefore, it is recommended that vacation be granted and the trade be approved. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING THAT CERTAIN PORTION OF BRITTANY BOULEVARD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem  
Snell, Councilmembers Cooke, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

BRACKENRIDGE HOSPITAL SCHOOL OF NURSING  
AFFILIATION AGREEMENT

The Council had before it for consideration a proposed Affiliation Agreement between Brackenridge Hospital School of Nursing and Westminster Hospital for additional clinical experiences for nursing students.

Councilmember Himmelblau said she understood the Brackenridge School of Nursing has some third-year students in other hospitals. Ms. Nancy Berlage, Director of the Nursing School, told her there are all three levels of students in other hospitals gaining clinical experience in various fields. Councilmember Himmelblau said perhaps the education program should not be expanded if the students cannot fit into the City's health facility. Ms. Berlage answered that in her memorandum explaining the nursing program, they have an agreement that they are at Brackenridge Wednesday through Friday, and other programs are there Monday and Tuesday. The reason for this is, students cannot get pediatric, emergency room, and intensive care nursing experience at other hospitals. She said they needed to accommodate all nursing students in the area at Brackenridge and have had to move students to other areas because of this.

Councilmember Himmelblau expressed her opinion that they should look at the budget. She said she wasn't sure they should be in third year nursing education. Also, the proposals coming from the consultants delete nursing education. Mr. Spurck, Hospital Administrator, pointed out it takes a one-year notice to terminate the nursing program with the Community College, and some decision should be made soon if the City is going to get out of the 3rd year. After further discussion, the following motion was made:

Councilmember Himmelblau moved that the Council adopt a resolution to approve an Affiliation Agreement between Brackenridge Hospital School of Nursing and Westminster Hospital for additional clinical experiences for nursing students for one year. The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Himmelblau, Trevino  
Noes: Councilmembers Cooke, Mullen  
Absent: Councilmember Goodman

Councilmember Himmelblau commented she wanted to see the total assessment of the nursing education program in the community and how it impacts the Austin community. Ms. Berlage said, in her opinion, the nursing program is filling a great community need. Mayor McClellan referred to a letter concerning the cost of the Affiliation Agreement which says: "It's implementation will reflect zero cost to the City of Austin..." She asked Mr. Reed if this is correct. "Zero cost to us? Mr. Spurck, is that correct?" asked Mr. Reed. Mr. Spurck answered it is. (Mr. Reed stated he wanted that information on tape.)

## CONTRACT AWARD

Mayor Pro Tem Snell moved that the Council adopt a resolution to approve the following contract:

INGRAM MANUFACTURING COMPANY 132 South Polar San Antonio, Texas	- Three Wheel Roller, Vehicle and Equipment Services Department. Item 1; 1 ea. @ \$28,451.00
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Himmelblau, Mullen,  
Trevino, Mayor McClellan  
Noes: Councilmember Cooke  
Absent: Councilmember Goodman

Questions were asked by members of the Council concerning the purchase of a three wheel roller when two wheel rollers are mainly manufactured now and answered by Mr. Solon Bennett, Director of Purchases and Stores. Mr. Bennett told Council the option on the bid for the three wheel roller expires September 2, 1977. If they started the bidding all over again the prices would most likely be higher, and equipment is in short supply right now. He said the City needs the equipment at this time because highway construction machinery is in short supply. If one roller needs to be repaired, then there are not enough to keep up with the work the City is doing. Mr. Bennett explained the City likes three wheel rollers for streets and alleys. Mr. John German, Director of Public Works, spoke concerning the justification of bidding for three wheel rollers. After further discussion by Councilmembers Goodman, Cooke, Mullen, and Mr. Bennett and Mr. Reed concerning the purchase of the pieces of equipment, the vote was taken.

Councilmember Himmelblau moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Milk and Ice Cream Products, Six (6) Months Supply Agreement. Total - \$16,362.10
PURE MILK COMPANY 1819 Rutland Austin, Texas	- \$15,118.35
BORDEN MILK COMPANY 409 East Ben White Boulevard Austin, Texas	- \$1,243.75

The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Goodman

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

AMERICAN ECONO-CLAD SERVICES  
507 Jackson Street  
Topeka, Kansas

- Paperback Books and Catalogs used as supplies to establish "Book by Mail Service," Austin Public Libraries. Items 1 through 5 - \$17,097.15.

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

FMC CORPORATION  
2077 Colmar  
Chicago, Illinois

- Repair Parts for #31 Traveling Water Screen, Holly Power Plant - Electric Department - \$7,506.20.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

Councilmember Trevino moved that the Council adopt a resolution to approve the following contract:

GOLDTHWAITES OF TEXAS  
8902 Broadway  
San Antonio, Texas

- Ryegrass Seed, Parks and Recreation Department.  
Item 1 - \$12,759.25

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell\*, Councilmembers Cooke, Himmelblau  
Noes: None  
Absent: Councilmember Goodman

\*Mayor Pro Tem Snell commented on the good distribution of minority hiring practiced by this firm.

Councilmember Trevino moved that the Council adopt a resolution to approve the following contracts:

Bid Award:	- Large Butterfly Valves, Water and Wastewater Department.
HENRY PRATT COMPANY 401 South Highland Aurora, Illinois	- Item 1-3 - \$15,404.00
BERNHARD ASSOCIATES 2550 Manana Street Dallas, Texas	- Item 4 - \$20,436.00

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau, Mullen  
 Noes: None  
 Absent: Councilmember Goodman

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

ROBERT HURST COMPANY, INC. 9741 Highway 290 East Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, Water Main Installation in West Cow Path - \$13,674.00
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The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau, Mullen, Trevino  
 Noes: None  
 Absent: Councilmember Goodman

Councilmember Himmelblau commented it would be helpful if the numbers of CIP awards were included in the contract description on the agenda so that members of the Council could keep records concerning the amount of money spent in the allotted CIP monies. She requested a monthly or quarterly update on Capital Improvement Program projects. Deputy City Manager Reed told the Council his office prepares a monthly balance sheet on CIP expenditures and will send a copy of it to them from now on.

Councilmember Himmelblau moved that the Council adopt a resolution to approve the following contract:

SPEIR & MYERS UTILITY CONSTRUCTION 3306 Silverleaf Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM - Wastewater main installation in Black Angus Drive, Bar-X Drive and other vicinity streets - \$194,003.75.
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The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Himmelblau, Mullen, Trevino  
Noes: None  
Absent: Councilmember Goodman

Councilmember Cooke asked if this was a completion. Mr. Curtis Johnson, Director, Water and Wastewater Department, answered the construction going on now was concerned with getting water into the annexed area. He said these contracts are brought in when there are an adequate number of people requesting service in a general area, and this is part of annexation which was accomplished last year. Councilmember Cooke asked if the citizens in Angus Valley generated this need. Mr. Johnson answered that the citizens in the area had requested the sewer service...that the City does not make an attempt to blanket an entire area just because it has been annexed.

Councilmember Mullen moved that the Council adopt a resolution to approve the following contract:

SOUTHWEST-RATHGEBER COMPANY	- CAPITAL IMPROVEMENTS PROGRAM - Walnut
2304 Cypress Point West	Creek Wastewater Treatment Plant, Site
Austin, Texas	Preparation - \$247,444.00.

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau,  
Mullen, Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Goodman

#### CHANGE ORDER

Councilmember Himmelblau moved that the Council adopt a resolution to approve Change Order #13 in the amount of \$370,130.00 to Robert E. McKee, Inc., Phase 2B Expansion, Brackenridge Hospital. CAPITAL IMPROVEMENTS PROGRAM. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Goodman

Al Eldridge, Director of Construction Management, was asked to give a brief report on why the change order is requested. He stated the basic background of the project has involved the scheduling that made it very difficult to match out the requirements of what was then the State Health Department with the City's schedule. The original grant offer, he said, was predicated on the awarding of a contract by June 30, 1975, and having it approved by HEW, which not only involved the Health Department but also HEW. They bid the job and had it awarded about May 8, 1975. HEW awarded the job about June 9. At that time, he continued, they were making heroic attempts at meeting all of the problems and making the plans as nearly acceptable as possible to the government and complying with the schedule. Councilmember

Himmelblau said it was her understanding that at the time new expansion was entered into, the City was not going into nuclear medicine, but that the City would send its patients to Holy Cross for all radiation treatments. Mr. Eldridge answered that basically the type of activity for Brackenridge is more examination-type than treatment. He continued that it has been completely reviewed by the Health Department and all the planning agencies relating to nuclear medicine. (Reference was being made to Item 21, Revisions to Nuclear Medicine, in the proposed changes under consideration.) Mr. Spurck informed the Council that the nuclear medicine package is not for treatment but for diagnostic work. Councilmember Himmelblau then questioned Item 22, Site Changes. Mr. Eldridge responded that the main item in there involves storm drainage and water and wastewater changes. There is some paving in front of the present EMS building for accommodation of ambulances, in addition to a small amount of earth work in connection with the parking structure. Councilmember Himmelblau asked if the Council was going to see a lot more change orders before the hospital additions are finished. Mr. Eldridge said he does not think so. There will be some landscaping to be done and some sand work, but he felt the change order before the Council today should just about complete the work.

#### HYDROGEOLOGICAL AND BIOLOGICAL STUDY SERVICES

The Council had before it a resolution to select a firm to provide professional hydrogeological and biological study services in connection with the "Barton Creek Watershed Growth Management Plan."

#### Motion

Councilmember Himmelblau moved the Council select the Radian Corporation to provide the necessary study services. The motion was seconded by Councilmember Mullen.

In reply to Mayor McClellan's inquiry about a group not being able to bid, Mr. Al Eldridge said all known people in this type work were notified; it was not a closed procedure. He explained how the recommendations were made and stated all three are qualified. Councilmember Himmelblau said she had nothing against Espey Huston & Associates, Inc., but had heard they might farm this contract out. VIRGINIA BEDDINGTON stated the University had always gone all out to help when needed, and she felt this study could be utilized as a class project. Councilmember Himmelblau wanted input from Dr. Fruth. Dr. Maureen McReynolds, Director of Environmental Resources, stated Dr. Fruth has been contacted; however, he was unable to attend the briefing session for the committee that has worked on this. Dr. McReynolds said they had discussed it with him before he left on his vacation and his main concern was that the program be designed as it is now being proposed, with the inclusion of water quality, specifically in the Barton Creek area. Also, a mix of the ground water information which is also necessary to begin to get some information concerning what is going on in the Barton Creek area.

#### Motion Withdrawn

Councilmember Himmelblau withdrew her motion.

Motion

Councilmember Trevino moved that the Council adopt a resolution to select the firm of Espey Huston & Associates, Inc., to provide professional hydro-geological and biological study services in connection with the "Barton Creek Watershed Growth Management Plan." The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

## APPROACH MAIN CONTRACT

Councilmember Cooke moved that the Council adopt a resolution to authorize the following Approach Main contract:

AUSTIN DISTRICT BOARD                   - Construction of an 8" wastewater  
OF MISSIONS                                approach main to serve St. Peter's  
  Methodist Church Subdivision.  
  (Estimated cost to City: \$2,016.00)

The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor  
Pro Tem Snell, Councilmembers Cooke, Himmelblau  
Noes: None  
Absent: Councilmember Goodman

"INTEGRATED CRIMINAL APPREHENSION"

Mayor Pro Tem Snell moved that the Council adopt a resolution to authorize acceptance of a grant from the Texas Criminal Justice Division for the project entitled "Integrated Criminal Apprehension" in the amount of \$188,946. (Project period: August 1, 1977 through January 31, 1979) The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem  
Snell, Councilmembers Cooke, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Goodman

## TEXAS CRIMINAL JUSTICE DIVISION

Councilmember Mullen moved that the Council adopt a resolution for the following:

Implementation of a grant from the Texas Criminal Justice Division for the project entitled "Greater Austin Area Organized Crime Control Unit" in the amount of \$107,719. (Program period: November 1, 1977 through October 31, 1978 - City in-kind match of \$184,037).

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Himmelblau, Mullen, Trevino  
Noes: None  
Absent: Councilmember Goodman

Councilmember Mullen moved that the Council adopt a resolution to approve the following:

Implementation of a grant from the Texas Criminal Justice Division for the project entitled "Austin Rape Crisis Center" in the amount of \$23,675. (Program period: October 1, 1977, through September 31, 1978 --City in-kind match of \$20,759).

The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers  
Cooke, Himmelblau, Mullen, Trevino  
Noes: None  
Absent: Councilmember Goodman

#### BRACKENRIDGE HOSPITAL POLICY

Councilmember Mullen moved that the Council adopt a resolution amending the Brackenridge Hospital Policy to restrict the use of City funds for clinic card patients when there are similar benefits available from other sources. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau,  
Mullen, Trevino, Mayor McClellan  
Noes: None  
Absent: Councilmember Goodman

Mayor Pro Tem Snell asked if the amendment implied that a person with a private insurance policy could not receive benefits. Mr. Homer Reed, Deputy City Manager, indicated that the City would supplement what a person's private insurance would pay if the person did assign his benefits to the hospital.

#### EMERGENCY ENERGY CONSERVATION SERVICES PROGRAM

Councilmember Trevino moved that the Council adopt a resolution authorizing an application to the Community Services Administration for FY 77 supplemental funds totalling \$41,702 to continue the "Emergency Energy Conservation Services Program." (Matching requirement is 40% or \$27,801 in cash or in-kind services.) The motion, seconded by Mayor Pro Tem Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino,  
Mayor McClellan, Mayor Pro Tem Snell  
Noes: None  
Absent: Councilmember Goodman

Mr. Andy Ramirez, Director of the Human Resources Department, indicated that the source of the matching funds was in-kind money from the Building Inspection Department.

#### GOLF PRO-MANAGER

The Council considered a resolution to select a Golf Pro-Manager for the Lions Municipal Golf Course. Mr. Wiley Jordan of the Parks Board stated that the Ad Hoc Committee appointed to make a golf Pro-Manager selection had reached a deadlocked vote but that the recommendation from the Golf Advisory Board was for Mr. Lloyd Morrison. MS. VIRGINIA BEDINGER, a member of the Parks Board, indicated that the Board was unable to reach any decision because it had not received the resumes of individuals applying for the job and therefore had nothing on which to base a decision. Ms. Bedinger questioned why the City was advertising on a national basis for a golf pro and then did not interview those persons. Mr. Jordan indicated that applicants were interviewed by the Parks and Recreation Department's staff but not by the Ad Hoc Committee. Mr. Jack Robinson, Director of the Parks and Recreation Department, stated that his staff had interviewed applicants and then made recommendations on the selection. At that time the City Manager had asked that an Ad Hoc Committee be appointed to review the applicants. Mr. Robinson indicated that the top ten applicants were submitted to the Committee for review. The Committee then chose Mr. Lloyd Morrison by a vote of 6-2.

MS. GORDON COOPER, a member of the Golf Advisory Board, stated that she had not voted for the appointment of Mr. Lloyd Morrison but had instead recommended Mr. Bobby Seaholm for the job. She asked that the Council consider the resumes of other applicants before making a decision on a selection.

MR. CHUCK BOWMAN, Golf Coach at Anderson High School, endorsed the selection of Mr. Bobby Seaholm to the Council.

#### Motion - Motion Died for Lack of a Second

Councilmember Cooke moved that the Council postpone selection of a golf pro for one week and instruct the staff to provide the Council with copies of resumes to be reviewed by the Council. The motion died for lack of a second.

Mayor McClellan stated that there were always problems with making any such contractual selections and indicated that there was a need to establish some kind of procedure for making such selections. Councilmember Mullen suggested looking at all 40 of the resumes submitted.

#### Motion - Failed

Councilmember Trevino moved that the Council accept the staff recommendation for Mr. Lloyd Morrison. The motion, seconded by Councilmember Mullen, failed to carry by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan  
Noes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau  
Absent: Councilmember Goodman

The Council recessed for 15 minutes to look at the resumes furnished by Mr. Jack Robinson.

MR. BOBBY SEAHOLM spoke before the Council indicating that he had recommendations from many golf pros and golf organizations from within the City.

MR. LLOYD MORRISON, current Pro Manager at the Hancock Golf Course and also the recommended staff selection, spoke before the Council. He stated that the only person in town to write him a letter of recommendation was Mr. Joe Ballender. Mr. Morrison indicated that he had gone through the PARD chain of command in submitting his application for the job.

Mr. Robinson, in reply to Mayor Pro Tam Snell's question regarding the Municipal Golf Course, indicated that Mr. Turner's contract had been extended for a of 30 days. Mayor McClellan stated that the matter would be deferred until the following week on September 8, 1977.

Councilmember Mullen recommended that the Ad Hoc Committee again review the resumes of both of the top two applicants. Councilmember Cooke asked if the Personnel Department could be involved in the interviewing of applicants. Mayor McClellan indicated that she wanted to see a set procedure devised by which such applicants could be screened. She stated that the matter would be voted on the following week without a public hearing.

#### LAND SALE

The Council considered approving the sale of a small tract of land at the intersection of MoPac Boulevard and Windsor Road to the adjacent property owner. Councilmember Himmelblau asked Mr. Joe Morahan, Director of the Property Management Department, if the City was receiving a fair price for the subject land. Mr. Morahan stated that the price was low but that the tract was small and had no street access.

Councilmember Cooke moved that the Council adopt a resolution approving the sale of the subject tract of land to F. C. McConnell. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Mullen, Trevino, Mayor McClellan, Mayor  
Pro Tem Snell, Councilmembers Cooke, Himmelblau  
Noes: None  
Absent: Councilmember Goodman

#### NORTHWEST FIRE STATION

The Council considered the authorization of acquisition of a site for the Northwest Fire Station located at Angus Road between Duval Road and Bull Run. CAPITAL IMPROVEMENTS PROJECT.

Councilmember Mullen moved that the Council adopt a resolution authorizing the acquisition of the proposed site from Raymond E. Thomas. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau, Mullen  
Noes: None  
Absent: Councilmember Goodman

#### CITY COUNCIL GOALS AND OBJECTIVES FOR 1977-79

The Council considered the adoption of the City Council Goals and Objectives for the term 1977 through 1979. Mayor McClellan indicated that there was not a full Council present and suggested setting a time for a work session on the matter. The Council decided to set September 9, 1977, at 4:00 p.m. in the Council Chambers for the time and place of the work session.

#### REFUND CONTRACT

The Council considered authorizing the following Refund Contract:

WILLIAM G. SULLIVAN AND LOWELL C. PETERSON (Requested by Lloyd Doggett)	- For the purchase of Water and Waste-water Mains serving Cielo Vista, Section 1 Subdivision - \$71,620.63.
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City Attorney Jerry Harris stated that the former refund policy was done away with on September 18, 1975, with a cut-off date of September 5. At that time the Council had listed which refund contracts would be honored. Mr. Harris indicated that this particular contract had been overlooked when drafting the list, but that it did indeed meet the necessary requirements.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH WILLIAM G. SULLIVAN AND LOWELL C. PETERSON; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS AND PROVIDING AN EFFECTIVE DATE. (Cielo Vista, Section 1 Subdivision)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau, Mullen, Trevino  
Noes: None  
Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### AMENDING ORDINANCE NO. 751218-A

The Council considered amending Ordinance No. 751218-A to delete a property description erroneously included in the Ordinance. Mr. Dick Lillie, Director of the Planning Department, stated that at 602 West 9th Street, the Council had historically zoned a piece of property but that the legal description had mistakenly included 46 feet of the adjoining lot. The correction pulls the 46 feet off of the legal description and includes the lot that was zoned by the Council. (Boardman House, C14h-75-012)

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 751218-A, ENACTED BY THE CITY COUNCIL ON DECEMBER 18, 1975, BY CORRECTING THE LEGAL DESCRIPTION OF A PORTION OF THE PROPERTY ZONED BY SAID ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau,  
Mullen, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

#### HOTEL OCCUPANCY TAX

The Council considered amending Section 32-32(a) of the Austin City Code to increase the Hotel Occupancy Tax to four percent (4%). In regards to Councilmember Cooke's inquiry as to the effective date for the Ordinance, Mr. Joe Liro, Assistant City Manager, indicated that the beginning of a fiscal year would be the best starting point for the Ordinance.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 32 OF THE 1967 CODE OF THE CITY OF AUSTIN; PROVIDING FOR THE AMENDMENT OF SECTION 32-32(a) OF ARTICLE V OF CHAPTER 32; PROVIDING FOR THE LEVY OF A FOUR PERCENT TAX UPON THE COST OF OCCUPANCY OF A HOTEL ROOM; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Cooke moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, effective October 1, 1977. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell

Noes: None

Absent: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

## TRUTH IN SELLING ORDINANCE

Councilmember Cooke moved that the Council set a public hearing on the Truth in Selling Ordinance for 10:30 a.m. on September 22, 1977. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor  
McClellan, Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

Councilmember Himmelblau suggested that land that is not zoned Residential, Interim "AA", "B" or "BB" be posted by the owners if the zoning is not implemented within a 3 to 6-month period after the zoning is granted. This is similar to the deferred zoning Ordinance. Councilmember Himmelblau requested information from the Planning Department on this possibility. Deputy City Manager Homer Reed indicated that he would make sure Councilmember Himmelblau received a report on this prior to the scheduled public hearing.

## ECONOMIC TASK FORCE

The Council considered the adoption of an Economic Task Force as recommended by Mayor McClellan. Councilmember Cooke stated that he felt there were too many persons assigned to the Phase II segment. Mayor McClellan asked that the Task Force be approved in concept with the deletion of the number of members. She stated that after the completion of Phase I she would bring back a new recommendation for the membership on the Phase II Task Force. Councilmember Mullen suggested that care be taken that the Task Force did not duplicate functions that were already being performed by other City bodies. Mayor McClellan did not feel that the Task Force would duplicate any functions currently being done by other boards or commissions.

Councilmember Mullen asked if the Council would receive a fiscal note on the establishment of the Task Force. Mr. Daron Butler, Director of Research and Budget, told the Council that the Task Force would require no additional personnel and would be absorbed into the current work loads of the Research and Budget Department and the Finance Department. Mr. Butler indicated that if the Phase II segment required additional funding, there were two sources by which Phase II could be funded. One was the general fund ending balance and the other was federal general revenue sharing money. Mr. Reed indicated that the requirements for the Phase II segment would be dependent upon the results of the Phase I segment. The economic Task Force is being considered by the Council as an emergency item.

Councilmember Mullen moved that the Council proceed with Phase I of the Task Force and the City Manager to come back to the Council with a fiscal note prior to beginning Phase II and that the Task Force self-destruct on October 1, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Trevino, Mayor McClellan,  
Mayor Pro Tem Snell, Councilmember Cooke  
Noes: None  
Absent: Councilmember Goodman

## SWIMMING POOLS

Councilmember Himmelblau moved that the Council name the swimming pool to be constructed in the Martin Park Area, "Martin Pool," and the swimming pool to be constructed in the Montopolis Recreation Center area, "Montopolis Pool." The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmember Mullen, Mayor McClellan, Mayor Pro Tem Snell, Councilmembers Cooke, Himmelblau

Noes: None

Absent: Councilmember Goodman

Not in Council Chamber when roll was called: Councilmember Trevino

## TRANSIT REPORT

Mr. Joe Ternus, Director of the Urban Transportation Department, presented the Council with the 1977-78 Transit System Operation report. He stated that items that required Council action would be submitted to the Council as specific Ordinances or Resolutions on next week's Council agenda.

## PARAMOUNT THEATRE

Mr. Joe Liro, Assistant City Manager, stated that last week he was instructed to investigate alternative ways of responding to the Council's commitment of providing \$120,000 for restorations to the Paramount Theatre. He stated that the Federal government has ruled that HCD block grant funds cannot be used to support the project. Mr. Liro stated that the Hotel Occupancy Tax was available for this purpose. Councilmember Himmelblau asked if the currently accrued \$500,000 could be tapped, and Mr. Liro stated that it could as long as it was done prior to the first of October.

Motion

Councilmember Himmelblau moved to allocate the \$120,000 to the Paramount Theatre from the accrued Hotel Occupancy Taxes. The motion was seconded by Councilmember Trevino.

Substitute Motion - Failed

Councilmember Mullen moved that the Council give \$50,000 to the Paramount Theatre and loan another \$70,000. The motion failed to carry by the following vote:

Ayes: Mayor Pro Tem Snell, Councilmembers Cooke, Mullen

Noes: Mayor McClellan, Councilmembers Himmelblau, Trevino

Absent: Councilmember Goodman

Roll Call on Original Motion - Failed

Ayes: Councilmember Trevino, Mayor McClellan, Councilmember Himmelblau

Noes: Mayor Pro Tem Snell, Councilmembers Cooke, Mullen

Absent: Councilmember Goodman

Councilmember Himmelblau asked the City Manager to come back the following week with information on whether the City could loan money or not. She asked that this be put on the agenda for the following week also. Mr. Reed and Mr. Harris agreed that this could be done.

#### AIRPORT

Mr. Roy Bayless, Director of the Municipal Airport, presented a report to Council on the Airport Parking Lot Expansion project. He then showed slides of how the parking situation would be handled in the interim period. Mr. Bayless pointed out that by allowing the public to use the present employees parking area, the Airport would receive an additional \$5,000 per month, and the cost of the new parking facility would be paid out in some 5-1/2 months.

#### ADJOURNMENT

The Council adjourned at 6:25 p.m.

APPROVED

*Carole Keeton McCallum*  
Mayor

ATTEST:

*Grace Monroe*

City Clerk